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Paper No. None

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APR 07 2004

In re Application of :
Anthony J. Baerlocher :
Application No. 10/662,496 :
Filed: September 15, 2003 :
Attorney Docket No. 112300-1541 :
Title: GAMING DEVICE HAVING :
RELATED MULTI-GAME BONUS SCHEME :

OFFICE OF PETITIONS
DECISION ON PETITION
UNDER 37 C.F.R. §1.53(e)

This is a decision on the petition pursuant to 37 C.F.R. §1.53(e), filed February 9, 2004, requesting the application be accorded a filing date of September 15, 2003 with Figure 7C considered part of the original disclosure.

The application was deposited on September 15, 2003. However, on December 18, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), stating that the application appeared to have been deposited without Figure 7C. The notice further indicated that an executed oath or declaration and the surcharge associated with the late filing of an oath or declaration were required.

In response, on February 9, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figure 7C, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings - 24 pages" in the United States Patent and Trademark Office (Office) on September 15, 2003. Applicants request that the application, including Figure 7C, be accorded a filing date of September 15, 2003.

Upon review of the record, the above-mentioned figure has not been located among the application papers. It is noted that twenty-three (23) pages of drawings have been located in the electronic file. However, the evidence is convincing that the

application papers deposited on September 15, 2003 included 24 pages of drawings, including Figure 7C, and this figure were subsequently misplaced in the Office. See MPEP 503.

Therefore, the application, including Figure 7C, was complete on filing and entitled to a filing date of September 15, 2003.

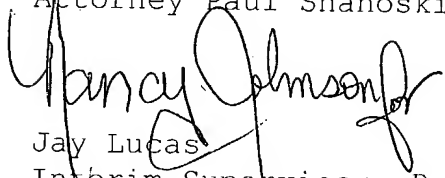
Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 15, 2003, using the original application papers filed on that date, as well as Figure 7C submitted on February 9, 2004, and for indication in Office records that 24 sheets of drawings, including Figure 7C, were present on filing.

Receipt of the declaration and surcharge associated with the late filing of an oath or declaration is acknowledged.

Any inquiries related to this decision should be directed to Attorney Paul Shanowski at (703) 305-0011.



Jay Lucas
Interim Supervisory Petitions Examiner
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